

NATIONAL RAILROAD ADJUSTMENT **BOARD**

THIRD DIVISION

Award Number 25357  
Docket Number SG-25252

Eckehard **Muessig**, Referee

(**Brotherhood** of Railroad Signalmen

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Consolidated Rail Corporation:

Appeal of discipline assessed against S. H. Steiner by notice dated April 29, 1982 -- thirty days suspension, deferred six months. [System Docket 1859-D-Eastern Region Case **EH-SI-29-82**]

OPINION OF BOARD: The Claimant in this dispute was charged with violating a number of the Carrier's Rules as a result of his alleged involvement in an altercation. Following a trial, he **was** assessed a thirty (30) day deferred suspension.

The Carrier has raised certain procedural objections to the claim which we find are not supported by the record and, accordingly, these are set aside.

With respect to the merits, the **Board** notes the absence of eye witnesses to the alleged event and the denial by the **two** persons **who**, it is contended, were involved in the altercation. Under these circumstances, the Carrier has not met its burden of proof, and the suspension will be removed from the Claimant's record.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction **over** the dispute involved herein; and

That the Agreement **was** violated

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1985.